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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMOCHAEV, et al.,

Plaintiffs,

No. C 05-1298 PJH

v.

CITIGROUP GLOBAL MARKETS INC.,

Defendant.

**ORDER DENYING LATE-FILED
REQUEST TO PARTICIPATE IN
SETTLEMENT**

The court is in receipt of a letter written by Ms. Elise Shartsis, filed with the court on November 23, 2009. From her letter, it appears that Ms. Shartsis was a putative member of the class certified for settlement purposes in the underlying action, and only "recently learn[ed]" that her claim to the settlement fund had been disallowed, as it had been filed a day late. Despite acknowledging that she did not mail her claim form until the deadline date, Ms. Shartsis requests that the court now allow her to participate in the settlement.

Preliminarily, it is not clear to the court whether the claims administrator's determinations are appealable in the first instance. In addition, however, and as defendant points out in its responsive letter dated November 30, 2009, Ms. Shartsis does not, or cannot, dispute that (1) she received adequate notice of the deadline for submission of claims, with a clear explanation of her rights set forth therein; (2) notwithstanding the clear deadlines set forth therein, Ms. Shartsis waited until the very last day to "mail" her claim form (presumably failing to ensure that the claim form would be postmarked that same day); (3) her request to participate in the settlement has been filed well over a year after final approval of the settlement was granted (with no adequate explanation for this delay provided); and (4) all settlement monies have already been distributed to class members.

1 who have filed timely claims.

2 For these reasons, and to the extent the matter is properly before the court, Ms.
3 Shartsis' late-filed request to participate in the underlying settlement is DENIED.

4 **IT IS SO ORDERED.**

5 Dated: December 7, 2009



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PHYLLIS J. HAMILTON
7 United States District Judge
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